



# House of Representatives

General Assembly

**File No. 78**

February Session, 2012

House Bill No. 5022

*House of Representatives, March 22, 2012*

The Committee on Government Administration and Elections reported through REP. MORIN of the 28th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## ***AN ACT INCREASING PENALTIES FOR VOTER INTIMIDATION AND INTERFERENCE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-363 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2012*):

3 Any person who, with intent to defraud any elector of his or her  
4 vote or cause any elector to lose his or her vote or any part thereof,  
5 gives in any way, or prints, writes or circulates, or causes to be written,  
6 printed or circulated, any improper, false, misleading or incorrect  
7 instructions or advice or suggestions as to the manner of voting on any  
8 tabulator, the following of which or any part of which would cause  
9 any elector to lose his or her vote or any part thereof, or would cause  
10 any elector to fail in whole or in part to register or record the same on  
11 the tabulator for the candidates of his or her choice, shall be [fined not  
12 more than five hundred dollars or be imprisoned not more than five  
13 years or be both fined and imprisoned] guilty of a class D felony.

14 Sec. 2. Section 9-364 of the general statutes is repealed and the  
15 following is substituted in lieu thereof (*Effective July 1, 2012*):

16 Any person who influences or attempts to influence any elector to  
17 stay away from any election shall be [fined not more than five hundred  
18 dollars and imprisoned not more than one year nor less than three  
19 months] guilty of a class D felony.

20 Sec. 3. Section 9-364a of the general statutes is repealed and the  
21 following is substituted in lieu thereof (*Effective July 1, 2012*):

22 Any person who influences or attempts to influence by force or  
23 threat the vote, or by force, threat, bribery or corrupt means, the  
24 speech, of any person in a primary, caucus, referendum convention or  
25 election; or wilfully and fraudulently suppresses or destroys any vote  
26 or ballot properly given or cast or, in counting such votes or ballots,  
27 wilfully miscounts or misrepresents the number thereof; and any  
28 presiding or other officer of a primary, caucus or convention who  
29 wilfully announces the result of a ballot or vote of such primary,  
30 caucus or convention, untruly and wrongfully, shall be [fined not more  
31 than one thousand dollars or imprisoned not more than one year or be  
32 both fined and imprisoned] guilty of a class C felony.

33 Sec. 4. Section 9-365 of the general statutes is repealed and the  
34 following is substituted in lieu thereof (*Effective July 1, 2012*):

35 Any person who [, at or within] (1) during the period that is sixty  
36 days or less prior to any election, municipal meeting, school district  
37 election or school district meeting, attempts to influence the vote of  
38 any operative in his or her employ by threats of withholding  
39 employment from him or her or by promises of employment, or [who]  
40 (2) dismisses any operative from his or her employment on account of  
41 any vote he or she has given at any such election or meeting shall be  
42 [fined not less than one hundred dollars nor more than five hundred  
43 dollars or be imprisoned not less than six months nor more than  
44 twelve months or be both fined and imprisoned] guilty of a class D  
45 felony.

46 Sec. 5. Section 9-366 of the general statutes is repealed and the  
 47 following is substituted in lieu thereof (*Effective July 1, 2012*):

48 Any person who induces or attempts to induce any elector to write,  
 49 paste or otherwise place, on a write-in ballot voted on a voting  
 50 tabulator at any election, any name, sign or device of any kind, as a  
 51 distinguishing mark by which to indicate to another how such elector  
 52 voted, or enters into or attempts to form any agreement or conspiracy  
 53 with any person to induce or attempt to induce electors or any elector  
 54 to so place any distinguishing mark on such ballot, or attempts to  
 55 induce any elector to do anything with a view to enabling another  
 56 person to see or know for what persons or any of them such elector  
 57 votes on such tabulator, or enters into or attempts to form any  
 58 agreement or conspiracy to induce any elector to do any act for the  
 59 purpose of enabling another person or persons to see or know for what  
 60 person or persons such elector votes, or attempts to induce any person  
 61 to place himself or herself in such position, or to do any other act for  
 62 the purpose of enabling him or her to see or know for what candidates  
 63 any elector other than himself or herself votes on such tabulator, or  
 64 himself or herself attempts to get in such position to do any act so that  
 65 he or she will be enabled to see or know how any elector other than  
 66 himself or herself votes on such tabulator, or does any act which  
 67 invades or interferes with the secrecy of the voting or causes the same  
 68 to be invaded or interfered with, shall be [imprisoned not more than  
 69 five years] guilty of a class C felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	9-363
Sec. 2	<i>July 1, 2012</i>	9-364
Sec. 3	<i>July 1, 2012</i>	9-364a
Sec. 4	<i>July 1, 2012</i>	9-365
Sec. 5	<i>July 1, 2012</i>	9-366

**GAE**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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### ***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

### ***Explanation***

The bill, which increases the maximum penalties for violating certain election laws, does not result in any anticipated fiscal impact. There have been no recorded offenses for voter intimidation and interference in Connecticut for the past 10 years.

### ***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

*Sources: Judicial Department Offenses and Revenue Database*

**OLR BILL ANALYSIS****HB 5022*****AN ACT INCREASING PENALTIES FOR VOTER INTIMIDATION AND INTERFERENCE.*****SUMMARY:**

This bill increases the maximum penalties for violating certain election laws related to influencing or intimidating voters, making them a class C or a D felony. By law, the penalty for a class C felony is a fine of up to \$10,000, one to 10 years in prison, or both. The penalty for a class D felony is a fine of up to \$5,000, one to five years imprisonment, or both. Current law designates a separate and lesser maximum penalty for each offense included in the bill, as Table 1 shows.

***Table 1: Penalties Under Current Law and the Bill***

<b>Section</b>	<b>Crime</b>	<b>Penalty Under Current Law</b>	<b>Penalty Under the Bill</b>
§ 1	Circulating misleading instructions to any voter	A fine of up to \$500, up to five years in prison, or both	Class D felony
§ 2	Influencing or attempting to influence any voter to refrain from voting	A fine of up to \$500 and three months to one year in prison	Class D felony
§ 3	Threatening, forcing, or bribing a voter; suppressing or destroying any vote; miscounting any vote; or falsely or wrongfully announcing results	A fine of up to \$1,000, up to one year in prison, or both	Class C felony
§ 4	An employer who, within 60 days before an election, school district election, or municipal or school district meeting, attempts to influence, threatens, or later retaliates against an employee in connection with the	A fine of between \$100 and \$500, six months to one year in prison, or both	Class D felony

	election or meeting		
§ 5	Interfering with or attempting to determine another person's vote	Up to five years in prison	Class C felony

EFFECTIVE DATE: July 1, 2012

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable

Yea 9      Nay 6      (03/12/2012)